



#4/Election
REC-11-11
SEP 19 2002
GROUP 3000

In the Claims

No changes are made to the claims.

Status

The application presently contains claims 1-34.

35 U.S.C. §121 Restriction Requirement & Responsive Arguments

The examiner has restricted the invention under this section into claims 1-18 and claims 19-34. Applicant's attorney elects claims 1-18 with traverse.

Claims 19-34 are provisionally deleted pending the examiner's review of the arguments advanced below as to why restriction is improper.

The examiner has represented that Inventions I and II are distinct because they are related as process of making and product made. The examiner has represented that the product can be made without the step of heating the polymeric tube or heating the metallic sleeve.

While it is correct that in one embodiment, the connector can be made without the step of heating the metallic sleeve at a non-end location, it is not possible to make the product without the step of heating at least one end of the polymeric tube resident therein.

While the examiner has provided the definition articulated by MPEP §806.05(f), it is respectfully submitted that the examiner has come to an incorrect conclusion. The statement advanced by the examiner does not support either position required by this section of the MPEP. The first prong of the test articulated is that (1) that the process as claimed can be used to make other and materially different products. By following the steps claimed in this invention, only the bendable water heater connector which has a polymeric lining will be formed, and therefore this part of the requirement cannot be used to support the restriction requirement. The second prong of the test is that (2) the product as claimed can be made by another and materially different process. There is no alternative process described in the patent application, and the applicant is unaware of any other process by which this connector could be made. The statement provided by the examiner, that the product can be made without the step of heating the polymeric tube is not correct, and while the connector can be made without heating the metallic sleeve, that fact alone does not support the restriction requirement.